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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re RICHARD C., a Person Coming  
Under the Juvenile Court Law.

B173935  
(Los Angeles County  
Super. Ct. No. CK51978)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN AND  
FAMILY SERVICES,

Plaintiff and Respondent,

v.

VERONICA D.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Stanley Genser, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Reversed with directions.

Kimberly A. Knill, under appointment by the Court of Appeal, for Defendant and Appellant.

Law Offices of Anne E. Fragasso, and Linda Jackson for the minor.

Larry Cory, Assistant County Counsel, and Kim Nemoy, Deputy County Counsel,  
for Plaintiff and Respondent.

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Veronica D., the mother of Richard D., appeals from an order entered pursuant to Welfare and Institutions Code section 366.26. The parties, including counsel for the child, have presented a joint stipulation for reversal of the Welfare and Institutions Code section 366.26 permanent plan order to allow compliance with the notice provisions of the federal Indian Child Welfare Act. (25 U.S.C. § 1901 et seq.) For the following reasons, we accept the stipulation.

Any stipulated reversal must meet the standards imposed by Code of Civil Procedure section 128, subdivision (a)(8). In this case, our ability to accept the stipulation to reverse is controlled by our prior decision in the case of *In re Rashad H.* (2000) 78 Cal.App.4th 376, 379-382. The present case involves reversible error, the failure to give notice to the tribe as required by the Indian Child Welfare Act. (*In re Marinna J.* (2001) 90 Cal.App.4th 731, 736-740; *In re Desiree F.* (2000) 83 Cal.App.4th 460, 471-472; *In re Kahlen W.* (1991) 233 Cal.App.3d 1414, 1421-1422; *In re Junious M.* (1983) 144 Cal.App.3d 786, 790-791.) Because the permanent plan order would be reversed under any circumstances, a stipulated reversal advances those interests identified in Code of Civil Procedure section 128, subdivision (a)(8) for the reasons we explained in *Rashad H.* (*In re Rashad H., supra*, 78 Cal.App.4th at pp. 379-382; see *Union Bank of California v. Braille Inst. of America, Inc.* (2001) 92 Cal.App.4th 1324, 1329-1330.)

The Welfare and Institutions Code section 366.26 order is reversed and the cause is remanded for compliance with the federal Indian Child Welfare Act notice requirements. Pursuant to the parties' stipulation, the remittitur is to issue forthwith.

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TURNER, P.J.

We concur:

GRIGNON, J.

ARMSTRONG, J.